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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE JUSTICE SHRI SATISH K. AGNIHOTRI

WRIT PETITION No. 56 of 2000

PETITIONER : 1. Narayan Shrivastava S/o Late Shri Ramashankar aged about 52 yr. H.C./Accountant.

2. Suresh Kumar Uppadhya S/o Shri Makhan Lal Uppadhya aged 48 yr. L.D.C.

3. Ishwar datt Chhturvedi S/o. Shri Jeevan Lal, aged 54 yr., L.D.C.

4. Arjun Singh Thakur S/o. Late Shri Ram Singh Thakur, aged 48 yr. L.D.C.

5. Prabhat Kumar Mishra S/o Ram Nihal Mishra, aged 41 yr., Lab attendant.

6. Umaram Patel S/o. Vijay Ram patel aged 34 yr., Lab Attendent

7. Naraya Prasad Sharma S/o. Shri Khamhan Lal Pandey, aged 46 yr., Book Lifter.

8. Arun Kumar Kashyap S/o. Ram Prasad Kashyap aged about 37 Yr, Booklifter.

9. Smt. Sunder Bai W/o. Late Ramjhool Yadav, aged about 42, Booklifter.

10. Firudas Mhant S/o. Dharmu Das Mahant aged about 55 yr., Peon

11. Manghu Ram Patel S/o. Banau Ram Patel aged about 53 yr., Peon

12. Chandan Yadav S/o. Late Hansram aged about 60 yr., Peon

13. Deepak Mahurkar S/o Manohar Rao

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Mahurkar aged about 33 yr., Peon

14.Santosh Kumar Sahu S/o Late Prem Lal Sahu aged about 41 yr., Peon

15.Babu Lal Kaushik S/o. Late Samaya Lal aged about 53 yr., Farrash

16.Durga Prasad Verma S/o. Late Bishau Ram Verma, aged 44, Farrash

17.Jawhar Lal S/o Dukhu Ram Aged 46 yr. Farrash.

18.Mewa Lal Yadav S/o. Samaya Lal Yadav aged about 54 yr. Choukidar

Petitioners 1 to 18 posted in Dwarika Prasad Vipra Mahavidyala, Bilaspur.

19.J.D.Vaishnav S/o. P .D.Vaishnav aged about 53 Yr., H.C./Accountant

20.P.M.David S/o. David Harman, aged about 58 yr. L.D.C.

21.K.K.Pathak S/o. G.P.Pathak, aged about 48 years, L.D.C.

22.S.L.Dewangan S/o. R.B.Dewangan aged about 50 yr., Lab Attandand

23.Hemand Joshi S/o. I.L.Joshi, aged about 31 yr., Booklifter

24.G.F.Yadav S/o. Ghasiram Yadav, aged about 52 yr., Farrash

25.P.L.Yadav s/o. Jethu Ram Yadav, aged about 34, Farrash

26.K.K.Yadav S/o. Tutuwa Yadav, aged about 46 yr., Choukudar

27.S.N.Yadav S/o. Nathuram Yadav aged about 35 yr., Peon

28.J.L.Marawi S/o. Kajuram, aged about 31 yr., Peon

29.Smt. Kamla Dewangan S/o. late Devprasad aged about 31 yr., Peon

Petitioner 19 to 29 posted in S.N.G.

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Mahavidhyala, Mungeli, Distt. Bilaspur.

30.T.N.Dadsena S/o. Late Amrit Lal Dansena aged about 59 yr. H.C./Accountant

31.S.K.Sharma S/o. Late Keshav Prasad Sharma, aged about 33 yr., L.D.C.

32.Ramsay Ijardar S/o. jhurau Ijardar aged about 50 yr., Peon

33.Maharathi Yadav S/o. Bisahu Ram Yadav aged about 53 yr., Farrash

34.Sakshi Ram Yadav S/o Bansi Ram aged about 46 yr., Peon

35.N.P.Raghore S/o. Ramlal Rathore aged about 48 yr, Booklifter

36.Laxmi Prasad Sahu S/o GaisrRam Sahu aged about 59 yr., Peon

37.Puniram Yadav S/o Sewak Ram Aged about 38 yr., Farrash.

Petitioner 31 to 37 posted in J.N.College Sakti.

38.B.P.Tamboli S/o Late Manna Ram aged about 46 yr.,

39.A.K.Soni S/o. Firat Lal Soni, aged about 37 yr.

40.A.K.Shrivastava S/o. Vishwanath Prasad aged about 35 yr.

41.Dhana Ram Yadav S/o. Sakhi Ram Yadav aged about 47 yr.

42.Ram Lal Patel S/o Late Malik ram aged about 52 yr.

43.Ramadhar Patel S/o. Late Nanikram aged about 48 yr.

44.Ramanad Lal Yadav S/o. Setu Lal Yadav aged about 45 yr.

45.Vishwanath Singh S/o. Late Mayaram aged about 41 yr.

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46. Vijay Singh S/o. Late Uderam aged about 43 yr.

47. Loman Singh Verma S/o. Latelu Ram Verma aged about 38 yr.

48. Bhikham Lal Kewarth S/o. Ladu Ram aged about 45 yr.

Petitioner 38 to 48 posted in Kamla Nehru Mahavidhyala, Korba.

49. Baijnath Rathore S/o Late Dhanau Ram Rathore, aged about 56 Yr. H.C./

50. Lalji Sahu S/o. Paras Ram Sahu aged about 41 yr, Env. Tech.

51. Bhujbal Yadav S/o Late Narayan Prasad abeg about 39 yr., Env. Tech.

52. Rajaram Jaiswal S/o. Kunjilal Jaiswal aged about 37 yr. Enb. Tech.

53. Satya Sharma S/o. J.P.Sharma aged about 36 yr. Env. Tech.

54. Rakhi Ram Kanwar S/o. Mahadev Singh Kanwar, aged about 34 yr. Env. Tech.

55. Madan Lal Gurudwan S/o. Ishwar Prasad Gurudwan, aged about 33 yr. U.D.C.

56. Panna Lal Son S/o. Loknath Son, aged about 34 yr, Accountant

57. Smt. Kumodni Rathore W/o Late B.S.Rathor aged about 34 yr, L.D.C.

58. Ashok Kumar Uppadhya s/o. Late Dashrath Kumar Uppadhya, aged about 43 yr. Lab Atendant.

59. Dilraj Singh Tanwar S/o. Nepal Singh Tanwar, aged about 35 yr. Lab Att.

60. Baldev Prasad Ahir S/o. Bhagat Ram Ahir aged about 33 yr., Lab Att.

61. Uttam Das Mahant S/o. Late

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Hirmandas aged about 31 yr., Lab Att.

62. Pradeep Pandey S/o. Ramadhar Pandey aged about 36 yr., Lab Att.

63. Sohni Mishra W/o. Late Gorelal Mishra aged about 31 yr., Booklifter

64. Latel Prasad Yadav S/o. Jagdish Prasad Yadav, aged about 36 yr., Peon Choukidar.

65. Shyam Singh Tanwar S/o. Jhadu Singh Tanwar, aged about 34 yr. Peon

66. Manauram Yadav S/o. Kundan Ram Yadav aged about 32 yr., Choukidar

67. Balram Khande S/o. Dewsay Khande, aged about 33 yr., Farrash.

Petitioner 49 to 67 posted in Gramya Bharti Vidhyapith, Hardibazar, Dist. Korba.

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, Through Secretary, Department of Higher Education, Mantralaya, RAIPUR.

2. Director, Higher Education, RAIPUR.

3. Snathak Mahavidyalaya Sahkari Samiti, Through its Secretary, D.P.Vipra College, BILASPUR.

4. Mahakoshal Shikshan Samiti, Through: its Secretary, S.N.G. Mahavidyalaya, Mungeli, BILASPUR.

5. Shakti Shikshan Samiti, Through its Secretary, J.N.College, Shakti, DISTT. JANJGIR CHAPA.

6. Kamla Nehru Mahavidyalaya Samiti, Korba, Through its Secretary, Kamla Nehru

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Mahavidyalaya, KORBA.

7. Shashtri Shikshan Samiti, Through its Secretary, Gramya Bharti Vidyapith (Mahavidyalaya) Hardi Bazar, DISTT. KORBA (CHHATTISGARH).

Present: Shri Manindra Shrivastava, Sr. Advocate with Shri Afroz Khan, Advocate for the petitioners.
Shri V.V.S.Moorthy, Dy. Advocate General with Shri Sushil Dubey, Govt. Advocate for the State/respondent No. 1 & 2.

ORDER
(Passed on 12th day of April, 2007)

1. The question of law involved in this petition is as to whether the non-teaching staff working in government aided private colleges are entitled to benefit of the recommendation of the Fifth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetno Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with, The Madhya Pradesh Revision of Pay Rules, 1998 (henceforth 'the Pay Rules, 1998').

2. It is submitted that the teaching staff of the government aided private colleges have been extended the benefit of revised pay scale on the basis of recommendation of the 5th Pay Commission w.e.f 01.01.1996 vide circular dated 28.01.1999 passed by the then Government of Madhya Pradesh, Higher Education Department,

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Bhopal. The terms and conditions of the teaching and non-teaching staff are governed by the same provisions of law. The non-teaching staff of government aided private colleges have been granted benefits of revised pay scale vide order dated 2.1.2007 w.e.f 01.10.2006. The issue of grant of revised pay scale w.e.f 1.1.96 was in consideration by this Court in the matter of Smt. A. Lal. Vs. State of Chhattisgarh and Others and other connected matters (W.P. No. 4108/2005) which was allowed vide order dated 6.2.2007.

3. Learned counsel appearing for the parties jointly submit that this matter is squarely covered by the decision of this Court in case of Smt. A.Lal (Supra). Accordingly, this petition is allowed in the terms and order passed by this Court in W.P. No. 4108 of 2005 (Smt. A. Lal Vs. State of Chhattisgarh & Others) and other connected matters. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit